

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil No. 24-cv-1030-JPG
	)	
THOMAS G. TINGLEY, Deceased, and	)	
VICHIAN TINGLEY,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Notice of Dismissal without prejudice filed by the United States pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) (Doc. 14). Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action without a court order at any time before the opposing party serves an answer or a motion for summary judgment. The notice itself effects the immediate dismissal of the suit; no further action by the Court is necessary. *Smith v. Potter*, 513 F.3d 781, 782 (7th Cir. 2008). The defendants have not served an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss this case at the present time, the Court finds that this action is **DISMISSED without prejudice**.

Further, the Court finds that this dismissal justifies relief from judgment under Federal Rule of Civil Procedure 60(b)(6). Accordingly, it **VACATES** the Judgment Decree and Order Directing Sale of Mortgaged Property (Doc. 12). The Court **DIRECTS** the Clerk of Court to send a copy of this order to the United States Marshals Service and to close this case.

**IT IS SO ORDERED.**

**DATED: October 28, 2024**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**